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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 BRUCE MACDONALD, Individually and on
12 Behalf of All Others Similarly Situated,

13 Plaintiff,

14 v.

15 DYNAMIC LEDGER SOLUTIONS, INC., a
16 Delaware corporation, TEZOS
STIFTUNG, a Swiss Foundation,
17 KATHLEEN BREITMAN, an
Individual, ARTHUR BREITMAN,
18 an Individual, TIMOTHY COOK DRAPER, an
individual, DRAPER ASSOCIATES, JOHANN
19 GEVERS, DIEGO PONZ, GUIDO SCHMITZ-
20 KRUMMACHER, BITCOIN SUISSE AG,
NIKLAS NIKOLAJSSEN and DOES 1-100,
21 INCLUSIVE,

22 Defendants.
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Case No. 3:17-cv-07095-RS

**STATEMENT OF RECENT
DECISION RELEVANT TO
PLAINTIFF'S *EX PARTE*
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE WHY A
PRELIMINARY INJUNCTION
SHOULD NOT ISSUE**

Pursuant to Civil Local Rule 7-3(d)(2), Plaintiff Bruce MacDonald respectfully submits the United States District Court for the Eastern District of New York's recent Order Granting Preliminary Injunction, Asset Freeze, And Other Interim Relief in *Securities and Exchange Commission v. Plexcorps, et al.*, No. 17 Civ. 7007 (CBA), Dkt. No. 25 (E.D.N.Y. Dec. 14, 2017) (the "*Plexcorps* Order") (attached hereto as Exhibit A).

Yesterday, December 14, 2017, Plaintiff filed an *Ex Parte* Application for Temporary Restraining Order and Order to Show Cause Why A Preliminary Injunction Should Not Issue (the "TRO Application"). ECF No. 8. The Court has set a hearing on the application for Tuesday, December 19, 2017 at 10:00 a.m. ECF No. 10.

The *Plexcorps* Order was entered yesterday at approximately 2:30 p.m. Pacific time—about two hours after Plaintiff filed the TRO Application. Undersigned counsel became aware of the *Plexcorps* Order when it was reported by news media sources today. The *Plexcorps* Order is relevant to the issues presented by Plaintiff's TRO Application. Like this case, the *Plexcorps* case arises from an initial coin offering (ICO). There, as here, many of the defendants in *Plexcorps* are not resident in the United States. The *Plexcorps* court held that: (1) the "PlexCoin Tokens" issued in the ICO were "investment contracts subject to the Securities and Exchange Act," (2) the SEC had made a substantial showing of a likelihood of success on its claim that the *Plexcorps* defendants had violated the Securities Act by selling or participating in the sale of unregistered securities and (3) freezing the entity defendants' assets was necessary to preserve the status quo and protect the Court's ability to award relief.

DATED: December 15, 2017

HAGENS BERMAN SOBOL SHAPIRO LLP

By: /s/ Reed R. Kathrein

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CERTIFICATE OF SERVICE

Pursuant to L.R. 5-5, I certify that on December 15, 2017, I caused to be served copies of the foregoing EX PARTE APPLICATION FOR LEAVE TO EFFECT ELECTRONIC SERVICE ON DEFENDANTS RESIDENT OUTSIDE THE UNITED STATES; MEMORANDUM OF POINTS AND AUTHORITIES on the persons listed below at the addresses listed below.

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11 Dated: December 15, 2017

/s/ Joel Fleming

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